

WPA 25877 OF 2022

Debaditya Chatterjee

Vs.

The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay
Mr. Suman Banerjee
Ms. Trisha Rakshit.

....For the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey.

....For the State

Mr. Indranil Roy
Mr. Sunit Roy.

....For the National
Medical Council

Affidavit-of-service filed in Court is taken on record.

The petitioner claims to be a **person with physical disability** and in support he relied upon the **Disability Certificate, Annexure-P1** to the writ petition. The petitioner states that at the time of applying as an aspirant in **National Eligibility cum Entrance Test [NEET (UG)] 2022**, out of a *bona fide* mistake he could not apply under the relevant quota **Reserved for Persons with Disability (PwD)**. The petitioner now prays for a direction so that such certificate can be placed before the selection authority for their consideration of the candidature of the petitioner.

Mr. Indranil Roy, learned counsel appearing for the respondent no.5 drew attention of this Court to the notice inviting aspirants for the relevant exam dated **October**

21, 2022. He specifically drew attention to the relevant provisions at **page 25** of the writ petition which says that ***if a candidate cannot provide appropriate PwD Certificate issued by the IPGMER, Kolkata Medical Board and then shall be considered as non PwD candidate, provided the candidate still remains eligible after the changed status.*** He also placed two public notices issued by the **National Testing Agency**, first one is dated **May 24, 2022** which said that for the correction of online application the time was stipulated for the period 24th to 27th May, 2022 and by another public notice dated **June 14, 2022** the same was extended till **June 16, 2022**. Copies of the said two public notices are kept on record.

Mr. Roy also submitted that in view of the bar created under the said notifications calling for admission and since the schedule for time for correction of the online application form had already expired, the petitioner's case cannot be considered any further.

Mr. Bhaskar Prasad Vaisya, learned counsel appearing for the respondent nos. 1 and 2 adopted the submission made by Mr. Roy.

After considering the rival contentions of the parties and upon perusal of materials on record it appears that in the event this writ petition is allowed, the same would amount to change the **Rule of the Game** by a Court, which is not permissible in law. The notice inviting

applications made a specific clause disqualifying the **PwD** if a candidate does not produce the necessary certificate at the time of submission of their application form. Furthermore, opportunity was granted to the candidates for correcting their online application forms which had also long expired. The petitioner did not take any chance for such correction.

In view of the foregoing discussions and reasons, this Court is of the firm view that this writ petition is devoid of any merit.

Accordingly this writ petition **WPA 25877 of 2022** stands dismissed, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)